

Statement of Chairman Barbara Boxer
Field Briefing:
“Investigating EPA’s Obstruction of
Global Warming Controls for Vehicles”
January 10, 2008

(Remarks as Prepared for Delivery)

Today we are here to set the record straight.

Two years ago, California asked for a green light to regulate global warming pollution from vehicles. EPA made us wait two years, they faced a lawsuit for their delay, and then three weeks ago, the Bush Administration said “no.”

Since then, Administrator Johnson and the Bush EPA have made claims to justify their waiver denial and those claims just don’t add up. We’ll be taking those claims apart today, and telling the truth about the California waiver and why this outrageous decision should be overturned.

I want to welcome our witnesses:

- Attorney General Jerry Brown;
- Mary Nichols, Chairman of the California Air Resources Board;
- Fran Pavley of the Natural Resources Defense Council, and the author of the Pavley Clean Car Law that is the basis for the waiver
- Carl Pope, the Executive Director of the Sierra Club;
- Representative Hilda Solis, whose district is nearby here in LA, and who is Vice Chair of the House Subcommittee on Health and the Environment on the Energy and Commerce Committee.

This is the first time in history that any Administration has ever denied a waiver request from California as it sought a higher standard for itself and for other states. Over fifty waiver requests have been filed from 1968 until now. Over fifty were approved by Administrations — Democrats and Republicans -- from Lyndon Johnson through Presidents Nixon, Ford, Carter, Reagan, Clinton and both Presidents Bush—until now.

This decision is not only unprecedented; it is completely contrary to the law and the science.

It is time to set the record straight. The Bush Administration claims that it denied the waiver to avoid a “confusing patchwork” of state laws for vehicle emissions.

But there will be no patchwork and there has never been, ever since the multi-state waiver provision was put into place three decades years ago.

Let me say that again. There will be no patchwork and there never has been. There will be two standards, as there always has been for thirty years – a weaker federal rule, and a California standard. Every state can choose one or the other. As of today – 14 other states, with Republican and Democratic governors, have joined California in adopting our tougher standard. And 4 more states are in the process of signing on.

More than 150 million Americans— a majority of the U.S. population -- live in these 19 states.

States representing the majority of the population want to do more to fight global warming. The national government should be applauding that, instead of stopping the states in their tracks. What they have done is simply wrong.

And I have here a stack of editorials – 68 editorials in papers across the nation who agree with us on this. From one end of California to the other -- The Los Angeles Times, the Santa Rosa Press Democrat, San Jose Mercury News, San Francisco Chronicle, Sacramento Bee, Riverside Press Enterprise and from coast to coast – The Washington Post, New York Times, Miami Herald, Kansas City Star, Portland Oregonian, the list goes on and on.

The Administration has tried to use the Energy Bill as a smokescreen for their outrageous decision. But once again they are distorting the facts. And we will hear today about how much California and the other states can do if the federal government would just step out of the way and grant this waiver.

Congress wrote the California waiver provision thirty years ago, and the law was specifically amended to not only allow California to continue being a leader in curbing vehicle pollution, but also to allow other states to follow our state's lead by adopting the California standard as their own.

EPA Administrator Stephen Johnson testified before the Senate Environment and Public Works Committee in July 2007 that the reason it was taking EPA so long to review this California waiver request was that “the Agency is performing a rigorous analysis in order to properly consider the legal and technical issues that we must address in making a decision under the Clean Air Act waiver criteria.” If every other EPA Administrator had acted like this, nothing would have ever been done.

What is amazing to me is that Stephen Johnson reportedly ignored his legal and technical staff's unanimous “rigorous analysis” of the facts and law that recommended that the waiver be granted. Instead, he overrode his own staff and denied the waiver. I would like to place in the record the Washington Post article that first reported that he overrode his staff.

I invited EPA Administrator Johnson to explain his decision to the people of the State of California today. As you can see from the empty chair in front of me, he declined to face the people of California. I would like to place in the record my letters to the EPA, and the EPA's response.

I asked him to send another EPA representative to explain his decision. He refused.

Last month I asked Administrator Johnson to provide this Committee with the documents behind his decision and show what advice he received from his legal and technical staff in time for this briefing. I also asked for documents showing any intervention from the White House.

This empty box symbolizes his dereliction of duty – no EPA witness here today, and no EPA documents here today.

I am outraged on behalf of the people of California. EPA's continuing refusal to cooperate with this Committee, which has the responsibility to oversee how the laws are carried out under the United States Constitution, demonstrates a failure to understand that the EPA is accountable to Congress and to the people of the United States.

There is no excuse for the Bush Administration's decision to block California and eighteen other states from protecting our planet and our people. One way or another, this unjustified, unprecedented, and illegal decision must be overturned.

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